

*Conf
B7*

coincident with a line of symmetry through the centre of the circle, the angle moving along the line of symmetry; and,

a controller for moving the beam attenuator in order to vary a size of the portion of the beam attenuator within the beam of light.

Remarks

The applicant would like to thank Examiner for his assistance in matters relating to this application; applicant acknowledges that claims 4, 5, 7, 8, 10 and 12-14 would be allowable if re-written in independent form including all of the limitations of the base claims and any intervening claims.

Claims 1-20 are pending in this application.

Claims 1-3, 6, 9, 11 and 15-20 are rejected under 35 U.S.C. § 102 (a) and (e) as being anticipated by Ford et al., U.S.P. No. 5,900,983.

Ford et al. in the '983 patent describe and illustrate a variable attenuator 50a embodied as a movable wedge-shaped prism which refracts the signal toward the photodetector. The wedge-shaped prism essentially redirects light in varying amounts in a controllable manner toward the detector, but does not block it. It is and must be a light transmissive element in order to function in the arrangement shown.

The instant invention provides attenuation by blocking a portion of the beam with a substantially opaque beam-attenuating portion.

The claims have been narrowed to reflect this. Claim 1 has been amended to include the limitation in claim of disposing a member having a substantially opaque beam attenuating portion within the beam of light,

Claim 3 has been amended to include the limitation of a beam attenuator which is at least partially light blocking for attenuating a portion of the beam of light when a portion of the beam attenuator is disposed within the beam of light. All of the other limitations in the claim prior to this amendment remain.

The new limitations added in the claims are believed to more clearly distinguish the instant invention from the disclosure of Ford et al., and amended claims in this application are now believed to be allowable.

Applicant respectfully requests reconsideration of this application.

Respectfully,

Smiley, John

By: 

Neil Teitelbaum
Regn No: 38,793

Customer No: 24949

c/o Neil Teitelbaum
Director, Intellectual Property
JDS Uniphase Inc.
Intellectual Property Dept.
1187 Bank Street, Ste 201
Ottawa, Ontario
Canada
K1S 3X7

Tel: (613) 727 1304 Ext. 2690
Fax: (613) 823 4985
Email: neil.teitelbaum@ca.jdsunph.com